



Department of Defense

DIRECTIVE

January 30, 1990
NUMBER 5210.60

USD(P)

SUBJECT: Security Clearance Program for U.S. Citizens Employed Directly by the North Atlantic Treaty Organization (NATO)

- References:
- (a) DoD Directive 5210.60, "Security Clearance Program for United States Citizens Employed Directly by the North Atlantic Treaty Organization, the South-East Asia Treaty Organization, and the Central Treaty Organization, " June 7, 1972 (hereby canceled)
 - (b) Executive Order 11633, "Security Clearance Program for United States Citizens Employed Directly by the North Atlantic Treaty Organization, the South-East Asia Treaty Organization, and the Central Treaty Organization," December 3, 1971
 - (c) DoD Directive 5220.22, "DoD Industrial Security Program," December 8, 1980
 - (d) DoD 5200.2-R, "DoD Personnel Security Program," January 1987, authorized by DoD Directive 5200.2, December 20, 1979
 - (e) DoD Directive 5220.6, "Defense Industrial Personnel Security Clearance Review Program," August 12, 1985
 - (f) DoD 5220.22-R, "Industrial Security Regulation," December 1985, authorized by DoD Directive 5220.22, December 8, 1980

A. REISSUANCE AND PURPOSE

This Directive:

1. Reissues reference (a) to reflect the transfer of delegated authority to the Deputy Under Secretary of Defense (Security Policy) (DUSD(SP)) to act on U.S. citizen clearance requirements when employed directly by NATO. It also deletes all references to the South-East Asia Treaty Organization, which terminated on June 30, 1977, and the Central Treaty Organization, which terminated on May 15, 1979.

2. Updates the policies, standards, criteria, and procedures, in accordance with reference (b), for processing requests for access to NATO classified information for U.S. citizens for whom a NATO Security Clearance Certificate (NSCC) is required for direct employment by the civil or military agencies in NATO. Such U.S. citizens are hereafter referred to as "applicants."

B. APPLICABILITY AND SCOPE

This Directive:

1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Joint Chiefs of Staff (JCS), the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

2. Applies to all DoD Components worldwide that have responsibility for providing assistance to this program.

3. Applies to U.S. citizens currently employed in a NATO direct hire status as well as those applying for NATO direct hire employment.

4. Does not apply to Federal employees detailed or transferred to NATO for duty with the international staff or a NATO command or agency.

C. POLICY

It is DoD policy:

1. To maintain a security clearance program for U.S. citizens seeking direct hire employment with NATO consistent with the requirements of E.O. 11633 (reference (b)).

2. That the administration of the program shall be in accordance with the policies and procedures in DoD Directive 5220.22 and DoD 5200.2-R (references (c) and (d)).

D. RESPONSIBILITIES

1. The Under Secretary of Defense (Policy) (USD(P)) shall provide overall policy guidance and supervision for the administration of the program.

2. The Director, Defense Investigative Service (DIS), shall be responsible for administration of the investigative procedures for all direct hire personnel and shall apply DoD Directive 5220.6 (reference (e)) to applicant cases referred for adjudication.

3. The Heads of DoD Components shall provide necessary assistance, as required, including investigative support.

E. PROCEDURES

1. NSCCS for applicants requiring access to NATO classified information shall be based on a background investigation conducted in accordance with DoD 5200.2-R reference (d). If an applicant has been previously granted a clearance, an NSCC can be issued if the prior investigation on which the clearance was based is not older than 5 years and no more than 12 months have elapsed since the termination of employment (either military, civilian, or defense contractor) for which the clearance was granted. NATO policy requires that an NSCC provided for an individual selected for direct hire employment for the first time by NATO be based on an investigative action completed not more than 9 months before the date of appointment. NATO policy requires the reconfirmation of an NSCC for an individual who has been separated from NATO for a period of more than 9 months. Reconfirmation of an NSCC can be made provided no more than 12 months have elapsed since the separation from NATO and a review of existing records reveals no derogatory information. Separation in excess of 12 months shall require a new investigation before the NSCC can be reconfirmed.

2. In accordance with agreed on NATO procedures, the assistance of other NATO member nations shall be provided in conducting investigations on periods of residence on applicants in those countries. The results of those investigations shall be used by the Department of Defense for granting an initial security clearance or renewing the NSCC. Such investigations by other NATO member nations shall be construed to comply with the investigative scope requirements of DoD 5200.2-R (reference (d)).

3. Cases in which the request for an NSCC contains the requirements for access to NATO ATOMAL information shall be the responsibility of the Defense Industrial Security Clearance Office (DISCO) in accordance with applicable policies and procedures, and shall be processed the same as in the Department of Defense for access to Restricted Data (RD), Formerly Restricted Data (FRD), and Critical Nuclear Weapons Design Information (CNWDI).

4. Requests for an NSCC on behalf of an applicant shall be submitted by the NATO command or agency involved, through the U.S. Representative. For the Supreme Allied Commander Atlantic (SACLANT), it is the United States Liaison Office (USLO). Commands and agencies that have no U.S. Representative, and the NATO international staff, shall submit requests through the Security Officer, U.S. Mission to NATO.

5. With the exception of SACLANT, the Security Officer, U.S. Mission to NATO, or the U.S. Representative involved, shall forward the request, along with confirmation of a firm offer of employment, to:

The Office of Industrial Security International - Europe
(OISI-E)
Steenweg Op Leuven 13
1940 St. Stevens-Woluwe
Brussels, Belgium

The USLO, SACLANT, and OISI-E shall forward the appropriate investigative forms to the NATO command or agency concerned for completion by the applicant. (See enclosure 1 for a list of specific forms required.) The Security Officer at the NATO command or agency shall return the completed forms directly to USLO, SACLANT, or OISI-E, as the case may be, for preliminary review. The U.S. Representative shall ensure that procedures are in effect that provide for another U.S. citizen, or representative of NATO, to witness the taking of the applicant's fingerprints, thereby ensuring that the person fingerprinted is, in fact, the same as the applicant being processed for the clearance. To prevent substitutions, the U.S. Representative shall ensure that the fingerprint card is properly controlled and not allowed to remain in the possession of the applicant.

6. USLO, SACLANT, and OISI-E shall forward the completed forms to:

DISCO
ATTN : International Branch (S0833)
P.O. BOX 2499
Columbus, OH 43216

7. In response to such a request from NATO for an NSCC, the DISCO shall initiate the investigation. The investigation shall be conducted by the DIS on each applicant in accordance with the procedures in reference (d) and DoD 5220.22-R (reference (f)).

8. The adjudicative criteria and guidelines in references (d) and (e) shall apply.

9. After a determination of eligibility for access to NATO classified information has been made by the DISCO, an NSCC may be issued or continued in effect.


10. When a favorable determination by the DISCO cannot be made on the issuance, or the continuance of an NSCC, and an unfavorable personnel security determination is contemplated, as defined in paragraph 1-328 of reference (d), the due process procedures in paragraph 8-201 of reference (d) shall apply. The cases shall be referred to the DISCR for review action in accordance with reference (e). The Director, Security Plans and Programs, Office of the DUSD(SP), acting for the United States Security Authority for NATO Affairs, shall serve as the final authority for those persons who choose to appeal an adverse determination by the DISCR.

11. The procedures in subsections E1. through E.10., above, also shall be followed when requesting a 5-year reinvestigation required to revalidate the NATO clearance.

12. This Directive may not constitute authority for reimbursement by the Department of Defense of a NATO applicant for any alleged monetary loss.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Deputy Under Secretary of Defense (Security Policy) within 120 days.


Donald J. Atwood
Deputy Secretary of Defense

Enclosure

Security Clearance Forms Required by NATO Direct Hire Applicants

SECURITY CLEARANCE FORMS REQUIRED BY NATO DIRECT
HIRE APPLICANTS

A. For COSMIC TOR SECRET Access:

Original and four copies of DD Form 398, "Department of Defense Personnel Security Questionnaire"; two copies of FD-258, "Fingerprint Card"; and DD Form 1879, "Department of Defense Request for Personnel Security Investigation. "

On the DD Form 1879, the address of the ORIGINATOR of the request for clearance should be inserted in Item #4a, "From, " and the entry for Item #19, "Return Results To, " should contain the following:

Defense Industrial Security Clearance Office
ATTN : Personnel Clearance Division (S0833)
P.O. Box 2499
Columbus , OH 43216

B. For NATO SECRET and NATO CONFIDENTIAL Access:

One copy of DD Form 398-2, "Department of Defense National Agency Questionnaire, " and two copies of FD-258, "Fingerprint Card. " On the DD Form 398-2, Item I, "Reason for Request, " check the SECRET and OTHER blocks. Insert the words "NATO Direct Hire" in the OTHER block. Item H, "Return Results to, " must contain the following below the requester's address: "DISCO-NATO DIRECT HIRE . "

C. For all initial investigations, U.S. citizenship shall be verified by either the U.S. Representative or by the DIS. This shall normally be accomplished by viewing the applicant's passport. A photocopy of the information page of the passport shall be submitted along with the clearance application form. Other acceptable documents include:

1. An original or certified copy of a birth certificate indicating that the individual was born in the United States.
2. An original or certified copy of a certificate of naturalization if the applicant claims citizenship by naturalization.
3. An original or certified copy of Form FS-240, "Report of Birth Abroad of a Citizen of the United States of America," Form FS-545 or DS-1350, "Certificate of Birth," or a "CERTIFICATE OF CITIZENSHIP IF CITIZENSHIP WAS ACQUIRED BY BIRTH ABROAD TO U.S. CITIZEN PARENT OR PARENTS."